

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES
December 2, 2010
Holiday Inn LAX
9901 La Cienega Blvd.
Los Angeles, CA 90045**

Board Members Present

Frederick Lerner, D.C. Chair
Hugh Lubkin, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Jeffrey Steinhardt, D.C.
Richard Tyler, D.C.

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Senior Staff Counsel
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Lavella Matthews, Associate Governmental Program Analyst
Christina Bell, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician
Valerie James, Office Technician

Call to Order

Dr. Lerner called the meeting to order at 10:07 a.m.

Roll Call

Dr. Columbu called the roll. All members were present.

Approval of Minutes

September 23, 2010 Board Meeting

MOTION: DR. LUBKIN MOVED TO APPROVE THE MINUTES

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Public Comment

Bill Howe from the California Chiropractic Association requested the Board to make a word change on page 5 of the minutes regarding his statement at the previous Board Meeting.

DR. LUBKIN MOVED TO AMMEND THE MINUTES BY MAKING A CHANGE ON PAGE 5 BY CHANGING THE WORDS “HOLD OFF” TO “DEFER”

DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Board Member Training on the Bagley-Keene Open Meeting Act and Other Relevant Laws

Mr. Walker stated that there is no new information to be brought forward at this time.

Executive Officer’s Report

Mr. Puleo gave the Executive Officer’s Report. The topics were Administration, Budget, Licensing, and Enforcement.

Ratification of Approved License Applications

MOTION: DR. STEINHARDT MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Discussion

None

Ratification of Approved Continuing Education Providers

None

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing

None

Ratification to Waive Two Year Requirement to Restore a Cancelled License

MOTION: DR. STEINHARDT MOVED TO WAIVE TWO YEAR REQUIREMENT TO RESTORE A CANCELLED LICENSE

SECOND: DR. LUBKIN SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

The Board ratified the attached list of approved cancellation restoration applicants incorporated herein (Attachment B)

Continuing Education Committee Meeting Update

Dr. Lubkin gave a brief summary on what was discussed in the Continuing Education Committee Meeting on October 21, 2010.

Public Comment

Mr. Howe expressed his support in the Board’s efforts to help educate the profession.

Enforcement Committee Meeting Update

Dr. Lubkin gave a brief summary on what was discussed in the Enforcement Committee Meeting earlier that day.

Public Comment

None

Proposed Regulations

A. Continuing Education

The regulatory package has been submitted to OAL and the Board is waiting for a response.

B. Fingerprint Submissions

The regulatory package has been submitted to OAL and the Board is waiting for a response.

C. Proposed Regulations Based on Provisions of SB1111

The Board will be changing the title of this regulatory package to "Omnibus Consumer Protection." This package will be submitted to OAL within the next couple of weeks. Mr. Puleo requested approval from the Board to add language for a \$2,000.00 filing fee for Petitioners for Reinstatement which was previously approved.

MOTION: DR. LUBKIN MOVED TO ADD LANGUAGE TO THE REGULATORY PACKAGE FOR A \$2,000.00 FILING FEE FOR PETITIONERS FOR REINSTATEMENT.

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

D. Informed Consent

Dr. Lerner suggested to change the word "potential" to "material." After much discussion the Board agreed to define "material" as "a procedure inherently involving known risk of serious bodily harm."

MOTION: DR. LERNER MOVED TO APPROVE THE CHANGE OF THE WORD "POTENTIAL" TO "MATERIAL" AND TO DEFINE "MATERIAL" AS "A PROCEDURE INHERENTLY INVOLVING KNOWN RISK OF SERIOUS BODILY HARM"

SECOND: DR. TYLER SECONDED THE MOTION

Dr. McAllister came forward to speak on the issue of informing patients verbally and in writing. After further discussion the Board agreed to add the words "verbally and in writing" to the first sentence regarding informing patients.

MOTION: DR. LERNER MOVED TO AMMEND THE MOTION TO ADD THE WORDS "VERBALLY AND IN WRITING" TO THE FIRST SENTENCE AND REMOVE THE WORD "VERBAL AND" FROM THE SECOND SENTENCE TO READ AS "A LICENSED DOCTOR OF CHIROPRACTIC SHALL VERBALLY AND IN WRITING INFORM EACH PATIENT..." AND "THE CHIROPRACTOR SHALL OBTAIN THE PATIENT'S WRITTEN INFORMED CONSENT..."

SECOND: DR. TYLER SECONDED THE MOTION

VOTE: 5-0

MOTION CARRIED

Chiropractors Performing Student Athletic Physicals and Serving as Team Doctors

The topic of Chiropractors performing student athletic physicals and serving as team doctors was discussed by the Board. Mr. Howe explained the situation Chiropractors and the Association have had with schools and their boards. All document and/or letters must be provided to the Board prior to taking any position on this matter. The Board will table this item for the next Board meeting.

Post-Operative Rehabilitation Performed by Chiropractors

Mr. Howe and Dr. Davis came forward to address this issue. After further discussion the Board suggested the Association(s) submit a written request to the Board requesting clarification of our Scope of Practice.

Department of Industrial Relations, Division of Workers Compensation – Update on Recognition of Chiropractic Specialties

Dr. Lerner provided an update. Dr. Lerner requested Board approval to continue working with the Division of Workers Compensation on the Chiropractic Specialty issue.

MOTION: DR. LUBKIN MOVED TO AUTHORIZE DR. LERNER AND MR. PULEO TO CONTINUE WORKING WITH THE DIVISION OF WORKERS COMPENSATION ON THE RECOGNITION OF THE CHIROPRACTIC SPECIALTIES.

SECOND: DR. COLUMBU SECONDED THE MOTION.

VOTE: 5-0

MOTION CARRIED

Proposed Board Meeting Schedule for 2011

The Board discussed the proposed 2011 Board Meeting dates. The Board suggested changing the locations to Northern or Southern California rather than Sacramento or Los Angeles.

MOTION: DR. LERNER MOVED TO APPROVE THE PROPOSED BOARD MEETING SCHEDULE WITH THE CHANGE OF THE LOCATIONS TO READ NORTHERN OR SOUTHERN CALIFORNIA.

SECOND: DR. STEINHARDT SECONDED THE MOTION.

VOTE: 5-0

MOTION CARRIED

Future Agenda Items

Dr. Steinhardt would like to discuss the authority over unlicensed/non-licensed individuals performing chiropractic at the next Board meeting.

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge Chris Ruiz presided over and Deputy Attorney General Thomas Rinaldi appeared on behalf of the people of the State of California on the following hearings:

- Kevin Choe
- Robert Montoya
- Won-Joon Son

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations of petitioners.

Adjournment

Dr. Lerner adjourned the public meeting at 3:38p.m.

(ATTACHMENT A)
Approval By Ratification of Formerly Approved License Applications
September 1, 2010 – October 31, 2010

Name (First, Middle, Last)			Date Issued	DC#
Joshua		Michael	9/2/2010	31775
Caroline	Anne	Mohlstrom	9/2/2010	31776
Brent	Lesley	Wise	9/8/2010	31777
Reanna	L	Plancich	9/16/2010	31778
Nesrein		Sweidan	9/16/2010	31779
Dino	Dario	DelMastro	9/20/2010	31780
Charlene	Marie	Eisenman	9/20/2010	31781
Douglas	Earl	Falke	9/20/2010	31782
Janelle	Sharice	Gertsch	9/20/2010	31783
John	David	Gonzales	9/20/2010	31784
Haley	Shaun	Harvey	9/20/2010	31785
Cierra	Dawn	Hoffman	9/20/2010	31786
Peter		Hong	9/20/2010	31787
Soo	Jin	Kim	9/20/2010	31788
Mary		Chan	9/20/2010	31789
Lindy	Lee	Vaughn	9/23/2010	31790
Angela	Marie	Williams	9/23/2010	31791
David		Rosario	9/30/2010	31792
Krista	Lynn	Rainwaters	9/30/2010	31793
Goli	Askari	Ranekouhi	9/30/2010	31794
Filiberto	Sebastian	Troy	9/30/2010	31795
Ricardo		Valdivia	9/30/2010	31796
Robin	Beth Stephanie	Zobitz	9/30/2010	31797
Thomas	Daniel	Franz	10/1/2010	31798
Justin	Samuel	Letzt	10/1/2010	31799
Bryce		Matthews	10/1/2010	31800
Armene	Marie	Lamson	10/6/2010	31801
William	Joseph	Moreau	10/6/2010	31802
Bianca		Chammaa	10/12/2010	31803
Gary	Chhourn	Yang	10/12/2010	31804
Anne	Vu	Nguyen	10/12/2010	31805
Melinda	Christine	Hendrick	10/21/2010	31806
Herbert	Roy	Kellins	10/21/2010	31807
Aaron	Jacob	Stauber	10/21/2010	31808
Susan	Jin Wen	Wang	10/21/2010	31809

Kintaro	Yukihisa	Oku	10/28/2010	31810
Chie		Uekihara	10/28/2010	31811
Samuel	Oswald	Tarrant III	10/28/2010	31812
Xuan-My	Nguyen	Tran	10/28/2010	31813
Nimira	Samir	Alibhoy	10/28/2010	31814
Preston	Sylvester	Edwards	10/28/2010	31815
Sue	Hoa	Lim	10/28/2010	31816
Matthew	Gabriel	McCutcheon	10/28/2010	31817
Natasha	Tanya	Balbas	10/28/2010	31818
Jennifer	Marguerite	Carauddo	10/28/2010	31819
Tom	Sunghoon	Chung	10/28/2010	31820
Enrique		Guerena	10/28/2010	31821
Philip	George	Pritting, Jr.	10/28/2010	31822
Heidi	Louise	Smith	10/28/2010	31823
Jacob	Martin	Stuebs	10/28/2010	31824
Brett	Matthew	Vowles	10/28/2010	31825
James	Elliot	Weiss	10/28/2010	31826
Janis	Ruth	Prout	10/29/2010	31827
David	Benjamin	Sundy	10/29/2010	31828

(ATTACHMENT B)
Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Cogan, William	23228	2/28/2010